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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,032	10/09/2001	Thomas M. Stephany	83440PCW	5070

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EXAMINER

BRANT, DMITRY

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 04/23/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,032

Applicant(s)

STEPHANY ET AL.

Examiner

Dmitry Brant

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cosatto et al (6,122,177) in view of Francini et al. (6,532,011).

Cosatto et al. discloses :

- (a) Converting a digital image into animated head (Col. 6, lines 20-28).
- (b) Providing directions for the animated head (elems. 218, 220, FIG. 3b)
- (c) Recording audio content (elem. 207, FIG. 3a)

(d) Directing the instructions to move the "animated head" in accordance with the selected content and to audibilize the selected or created content in synchronization with the "animated head" for providing the storyteller that audibilizes the content (Col. 10, lines 47-56)

Cosatto et al. do not disclose converting a digital image to a wire mesh and texture model for the purposes of animation.

Francini et al. teach a method of creating a 3-d wire mesh (FIG. 2A) and texture model (FIG. 2B) from 2-d digital face images (Col. 1, lines 47-55)

Art Unit: 2655

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cosatto et al. as taught by Francini et al. in order to create a 3-d representation of the "animated head" from digital images, as it would provide a fairly realistic and highly customizable, rotating 3-d image of the narrator's head that would make user's interface more engaging.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cosatto et al.*, in view of *Francini et al.* and further in view of *Hsu et al.* (6,295,058)

As per claim 2, Cosatto et al. and Francini et al. do not disclose "obtaining a voice sample of the user sufficient to produce an audio file having a full range of the users voice necessary to audibilize the content. "

Hsu et al. discloses obtaining voice samples of the user for future audibilization of text (Col. 7, lines 47-50)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cosatto et al. and Francini et al. as taught by Hsu et al. to enable the animated head to reproduce textual information using the pre-recorded voice of the user, as it would allow the system to audibilize arbitrary texts using a multitude of voices depending on the user's preferences. This would make the system truly adjustable to the varying user requirements.

As per claims 3-4, Cosatto et al. and Francini et al. do not disclose that audio content includes children's stories or education material or customized content.

However, Cosatto et al. disclose recording general audio content (elem. 207, FIG. 3a) that would be later used by animated "talking heads" for presentations, games, and avatar representations for virtual environments (Col. 1, lines 10-16)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the general audio content of Cosatto et al. and Francini et al. to include user's personal recordings or pre-recorded fictional stories, fairy-tales, educational information and many others, since such content is well-known in the art to be available in audio format (tapes, CD's, etc.) from book stores.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cosatto et al. and Francini et al., further in view of Golubov (6,503,086)

Cosatto et al. disclose using "talking heads" in presentations, virtual meeting rooms, narration of email and games, etc. (Col. 1, lines 12-16)

Cosatto et al. and Francini et al. do not explicitly disclose providing animated characters in a background which enact content and providing animated storyteller in a foreground as the content is audibilized.

Golubov teaches showing animated characters enacting the content while the animated narrator provides instruction. (Col. 8, lines 56-59)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cosatto et al. and Francini et al. as taught by Golubov to

use the "talking head" for narration in the foreground of some animated educational story or a fairy-tale, as this would liven-up the content and make the narration more engaging.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al. (6,097,381) teach a system for synthesizing realistic animation of human speaking.

Henton (5,878,396) teaches a method of performing facial animation using synthetic speech.

Sawano et al. (6,677,967) teach a method of applying captured digital images of the user to computer animated characters.

Huang et al. (6,229,904) teach a method of capturing a 3d mesh of user's face using wire mesh.

Cleveland (6,683,611) teach a method of supplementing reading material with various animated characters

Liles et al. (5,880,731) teach use of avatars (talking characters) for various instructive purposes.

Kang et al. (6,016,148) teach a method of mapping facial images to animation wire-frame topologies.

Art Unit: 2655

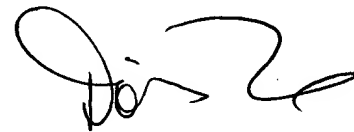
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

DB

4/16/04



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
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